



**ETTELMAN & HOCHHEISER, P.C.**  
ATTORNEYS AT LAW

GARDEN CITY CENTER  
100 QUENTIN ROOSEVELT BOULEVARD  
SUITE 401  
GARDEN CITY, NY 11530-4850

TEL: (516) 227-6300  
FAX: (516) 227-6307  
WWW.E-HLAW.COM

May 17, 2010

**VIA ECF AND FEDERAL EXPRESS**

Hon. Arthur D. Spatt  
100 Federal Plaza  
Central Islip, New York 11722

**Re: Taub et al. v. Marchesi di Barolo S.P.A. ("Marchesi")**  
**09 CV 599; 09 CV 601 (Consl.)**

Dear Judge Spatt:

Plaintiffs Palm Bay International, Inc.; David S. Taub; and Marc Taub submit the following letter motion requesting that the Court grant Plaintiffs until May 21, 2010, to respond to Marchesi's motion *in limine* to exclude certain evidence at trial regarding an injury to an Olive Garden employee. [Dkt # 113] Plaintiffs' response brief is due on May 17, 2010. Plaintiffs request the additional time in light of the Court's decision on the parties' summary judgment motions, entered today, May 17, 2007, which narrowed many of the claims pending for trial. Plaintiffs require the additional five days to properly analyze the Court's summary judgment decision and to make the appropriate changes to its response brief. In particular, the Court has dismissed several of the fiduciary duty claims, which directly impact the relevancy of the evidence that Marchesi seeks to exclude. This is Plaintiffs' first request for an extension. This court previously granted Plaintiffs until May 21, 2010, to file a response brief regarding a different motion *in limine*. [Dkt # 107] Defendant has objected to granting this extension.

We thank the Court for its attention.

Very truly yours,

/s/

Gary Ettelman